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AN ACT

RELATING TO PUBLIC PROPERTY; ALLOWING THE SALE OF PROPERTY  
BY NEGOTIATED SALE TO PUBLIC ENTITIES OR PRIVATE PERSONS;  
RECONCILING MULTIPLE AMENDMENTS IN LAWS 2001.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 13-6-2 NMSA 1978 (being Laws 1979,  
Chapter 195, Section 3, as amended by Laws 2001, Chapter  
291, Section 9 and also by Laws 2001, Chapter 317, Section  
2) is amended to read:

"13-6-2. SALE OF PROPERTY BY STATE AGENCIES OR LOCAL  
PUBLIC BODIES--AUTHORITY TO SELL OR DISPOSE OF PROPERTY--  
APPROVAL OF APPROPRIATE APPROVAL AUTHORITY.--

A. Providing a written determination has been  
made, a state agency, local public body, school district or  
state educational institution may sell or otherwise dispose  
of real or tangible personal property belonging to the state  
agency, local public body, school district or state  
educational institution.

B. A state agency, local public body, school  
district or state educational institution may sell or  
otherwise dispose of real property:

(1) by negotiated sale or donation to an  
Indian nation, tribe or pueblo located wholly or partially  
in New Mexico, or to a governmental unit of an Indian

1 nation, tribe or pueblo in New Mexico, that is authorized to  
2 purchase land and control activities on its land by an act  
3 of congress or to purchase land on behalf of the Indian  
4 nation, tribe or pueblo;

5 (2) by negotiated sale or donation to other  
6 state agencies, local public bodies, school districts or  
7 state educational institutions; or

8 (3) through the central purchasing office  
9 of the state agency, local public body, school district or  
10 state educational institution by means of competitive sealed  
11 bid, public auction or negotiated sale to a private person.

12 C. Disposal of tangible personal property under  
13 this section shall be:

14 (1) by negotiated sale or donation to an  
15 Indian nation, tribe or pueblo in New Mexico;

16 (2) by negotiated sale or donation to other  
17 state agencies, local public bodies, school districts or  
18 state educational institutions;

19 (3) through the central purchasing office  
20 of the governmental entity by means of competitive sealed  
21 bids, negotiated sale or public auction; or

22 (4) if a state agency, through the federal  
23 property assistance bureau of the general services  
24 department.

25 D. A state agency shall give the federal

1 property assistance bureau of the general services  
2 department the right of first refusal to dispose of tangible  
3 personal property of the state agency. A school district  
4 may give the department the right of first refusal to  
5 dispose of tangible personal property of the school  
6 district.

7 E. Except as provided in Section 13-6-2.1 NMSA  
8 1978 requiring state board of finance approval for certain  
9 transactions, sale or disposition of real or tangible  
10 personal property having a current resale value of more than  
11 five thousand dollars (\$5,000) may be made by a state  
12 agency, local public body, school district or state  
13 educational institution if the sale or disposition has been  
14 approved by the state budget division of the department of  
15 finance and administration for state agencies, the local  
16 government division of the department of finance and  
17 administration for local public bodies, the state department  
18 of public education for school districts and the commission  
19 on higher education for state educational institutions.

20 F. Prior approval of the appropriate approval  
21 authority is not required if the tangible personal property  
22 is to be used as a trade-in or exchange pursuant to the  
23 provisions of the Procurement Code.

24 G. The appropriate approval authority may  
25 condition the approval of the sale or other disposition of

1 real or tangible personal property upon the property being  
2 offered for sale or donation to a state agency, local public  
3 body, school district or state educational institution.

4 H. The appropriate approval authority may credit  
5 a payment received from the sale of such real or tangible  
6 personal property to the governmental body making the sale.  
7 The state agency, local public body, school district or  
8 state educational institution may convey all or any interest  
9 in the real or tangible personal property without warranty.

10 I. This section shall not apply to:

11 (1) computer software of a state agency;

12 (2) those institutions specifically  
13 enumerated in Article 12, Section 11 of the constitution of  
14 New Mexico;

15 (3) the New Mexico state police division of  
16 the department of public safety;

17 (4) the state land office or the state  
18 highway and transportation department;

19 (5) property acquired by a museum through  
20 abandonment procedures pursuant to the Abandoned Cultural  
21 Properties Act;

22 (6) leases of county hospitals with any  
23 person pursuant to the Hospital Funding Act; and

24 (7) the state parks division of the energy,  
25 minerals and natural resources department. "\_\_\_\_\_

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